

**BYLAW NO.2007-21**  
**A BYLAW TO PROVIDE FOR THE**  
**ESTABLISHMENT AND MAINTENANCE OF A**  
**BUSINESS LICENSE REGISTRY**  
**IN THE TOWNSHIP OF CENTRAL MANITOULIN**

**WHEREAS** pursuant to Section 151 (1) of the Municipal Act, 2001 allows a municipality to establish and maintain a registry of businesses and requires a business to which Section 150 of the Municipal Act, 2001, applies and to which is being carried on wholly or partly within the municipality, even if the business is being carried on from a location outside the municipality, to register and maintain its registration in the registry.

**AND WHEREAS** pursuant to Section 152 (1) of the Municipal Act, 2001, a municipality shall not pass a business license registry by-law providing for a system of license registry which makes it illegal for a business listed below to carry on or engage in the business without registering:

1. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
2. The sale of goods by wholesale.
3. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 32, Sched. A, s. 82.

**AND WHEREAS** pursuant to Section 251 of the Municipal Act, 2001, proper notice of a public meeting was given and a public meeting was held at which any person who attended had an opportunity to make representation with respect to this bylaw.

**AND WHEREAS** pursuant to Section 10 (2) of the Municipal Act, 2001 the Council of the Corporation of the Township of Central Manitoulin has the authority to require a business to be part of a registry for the following purpose;

- i) nuisance control
- ii) health & safety of citizens
- iii) consumer protection

**AND WHEREAS** pursuant to Section 150 of the Municipal Act, 2001, the following businesses are to be included in the business registry;

- i) A business, trade or occupation
- ii) Any business that is not subject to a business license pursuant to Section 152 of the Municipal Act 2001.

**THEREFORE** the Municipal Council of the Corporation of the Township of Central Manitoulin enacts as follows:

**PART 1**  
**DEFINITIONS**

1.1 In this Bylaw:

**“Business”** includes a business, trade or occupation

**“Township”** means the Township of Central Manitoulin

**“Clerk”** means the person within the administration of the Township who fulfils the function of Township Clerk as required by the *Municipal Act, 2001*

**“Owner”** includes a person who alone or with others owns or has the right to possess or operate a business and includes a lessee of a business premises upon which a business is located, and “own”, “ownership”, and words of like import or intent shall be given corresponding meanings

**PART 2  
GENERAL PROVISIONS**

2.1 License registry process:

Applications to register a business shall fall under the provisions of this bylaw and applications for the renewal of such licenses:

- a) shall be made to the Clerk's office on the form provided
- b) when received by the Clerk's office will be stamped with the date and time of receipt and processed
- c) shall be circulated to such municipal departments or agencies or other authorities as the Clerk Treasurer/Administrator considers may have an interest or as directed by Council, including but not limited to; O.P.P., Public Works Dept., Leisure Services, Fire, Ontario Hydro, Sudbury & District Health Unit, Building Controls, Administration/Planning.
- d) shall ensure that the business is operating within the appropriate zone
- e) maintain and keep records of all registrations received and shall update and amend such records in accordance with information received

2.2 Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form attached as Schedule "A" and shall include but not be limited to the following information:

- a) name, ownership, contact information including address, telephone number, fax number and contact name
- b) type of business, trade or occupation being operated
- c) location of business
- d) hours of operation
- e) the length of time the Owner has operated the Business at the location specified in the application
- f) such other information as may be required by the Registrar; and
- g) a declaration that the information in the application is true.

2.3 Registration fee

No fees are payable for registration of a business under this Bylaw.

2.4 Prohibit operation of business unless business is registered

1. No person shall operate a business within the territorial jurisdiction of the Township of Central Manitoulin unless such person:
  - a) registers in accordance with this Bylaw
  - b) maintains such registration in accordance with this Bylaw; and
  - c) re-registers from time to time prior to the expiry of the registration.
2. Every Owner who is required to register a Business pursuant to this Bylaw shall register the Business by December 31, 2008, or within 14 days of becoming an Owner of a Business, or within 14 days of first carrying on business within the geographic limits of the Township, as the case may be, whichever date is earlier.
3. Every Owner of a Business identified in subsection 2.4 (1) shall file a separate application for registration for each such Business owned by him or her.

## THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

### 2.5 Revoke or suspend a registration

No person shall operate a business in which the carrying on or operation of the business for which the application is being made is in contravention of any bylaw of the Corporation, or any applicable Provincial or Federal legislation. Failure to comply with applicable laws or regulations may result in the suspension or revocation of a business on the registry issued under this bylaw.

### 2.6 Updating of required information

Every person operating a business under this Bylaw upon changing his contact information, shall give written notice thereof to the Municipal Clerk within fourteen (14) days after such change, setting forth his new information.

Every Owner who ceases to own or ceases to operate the business registered pursuant to this Bylaw shall notify the Registrar in writing of such fact within 14 days of ceasing to own or ceasing to operate the business, as the case may be.

### 2.7 Public Register

The Registrar shall record the information provided in a Public Register maintained by the Registrar in a form determined by him or her, which may be in written or electronic format.

### 2.8 Expiry of Registration – Re Registration

Every registration under this Bylaw made prior to DECEMBER 31, 2008, shall expire on DECEMBER 31<sup>st</sup>, 2010.

Thereafter registrations made under this By-law shall expire December 31<sup>st</sup> of every second year following the year 2010.

The Owner of a Business shall re-register every second year thereafter, a minimum of 14 days prior to the expiry date as previously described.

**Part 3**  
**PENALTIES**

Any person who contravenes or fails to comply with any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O., 1990 as amended.

This By-law shall come into force and take effect 20 days after the final passing of this By-law.

Schedule "A" attached hereto shall form part of this By-law.

READ a first, second and third time and finally passed this 20th day of  
December, 2007.

\_\_\_\_\_  
Reeve, Richard Stephens

\_\_\_\_\_  
Clerk, Ruth Frawley

I, \_\_\_\_\_, Clerk of the Township of Central Manitoulin, do hereby  
certify that that this is a true copy of By-law 2007-21 as passed in open Council on the  
20<sup>th</sup> day of December, 2007.

\_\_\_\_\_  
Clerk Township of Central Manitoulin

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THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

Schedule "A" to By-law 2007-21

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**Application for: REGISTRATION OF BUSINESS**

The registration of a business is governed by rules, regulations and conditions as set out in Bylaw No. 2007-21 of the Corporation of the Township of Central Manitoulin.

Name of Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_ Town: \_\_\_\_\_  
Postal Code: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
Driver's License: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Name of Business: \_\_\_\_\_  
Location of Business: \_\_\_\_\_ Start date of Operation: \_\_\_\_\_  
(Door to Door) or (Indicate Address)  
Is the Owner the same as the applicant: Yes ( ) No ( ) If different than above please indicate name and address

\_\_\_\_\_  
Type of Business:  
\_\_\_\_\_  
(Wares to be Sold/ services to be provided)

I hereby certify that all information contained on this application is true and correct, to the best of my knowledge..

\_\_\_\_\_  
Date Signature of Applicant

**FOR OFFICE USE ONLY:**  
Completed Application Received: \_\_\_\_\_ New business: \_\_\_\_\_ Renewal: \_\_\_\_\_  
Change of Ownership: \_\_\_\_\_ Change of Name: \_\_\_\_\_  
Change of Address: \_\_\_\_\_ Circulated to Depts./Agencies: \_\_\_\_\_  
Complies to zone regulations: Yes \_\_\_ No \_\_\_ **Circulated to:** O.P.P., Public Works Dept., Fire Dept., Ontario Hydro, Building Controls, Health Unit ,Administration/Planning,  
Other \_\_\_\_\_

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

**NOTICE UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT** Personal information and confidential third party information is being collected by the Corporation of the Township of Central Manitoulin under the authority of the *Municipal Act, 2001* and will be used, maintained and disclosed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. **Information collected on this form and indirectly will be used for the following purposes:** 1. To determine the eligibility of the applicant for business registration. 2. Information submitted by applicants may be shared with officials of the Corporation of the Township of Central Manitoulin, Manitoulin Sudbury Health Unit and may be placed on the Township web site.

**ACKNOWLEDGEMENT AND CONSENT**

The applicant(s) certifies that all information and statements made herein and supporting schedules and documentation are accurate and complete, to the best of their knowledge and believe it is a true and complete statement in accordance with law. I/We have read and understand the above **NOTICE UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT** and consent to the collection of personal information by the Township of Central Manitoulin and consent to the use and disclosure of such personal information as described in the above **NOTICE**. I/We also acknowledge that employees of the Corporation of the Township of Central Manitoulin or their authorized representatives may enter the subject business during hours of normal operation in order to conduct inspections and monitor facility operations to verify compliance with the Township's bylaws and regulations.

**IF A CORPORATION: PRESIDENT AND ONE DULY AUTHORIZED OFFICER MUST SIGN**

**IF AN LLP: ALL MEMBERS MUST SIGN**

**IF A PARTNERSHIP: ALL PARTNERS MUST SIGN**

**IF A SOLE PROPRIETORSHIP: THE OWNER MUST SIGN.**

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ .

By: \_\_\_\_\_ Title: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

**ATTACH AN ADDITIONAL SHEET IF NECESSARY**